

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 11/12/2010.
2. Claims 1, 3-12 and 14-47 are pending in this application. Claims 1, 12, 24 and 25 are independent. In the instant Amendment claims 12, 24 and 25 were amended and claims 46 and 47 were added. This is a Non-Final action on the RCE filed 12/3/2010.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "displaying on the display a starting menu having an icon representing the at least one default UI element" of claim 46 and "the discarding of the at least one of the first subset of UI elements from the memory does not discard the title bar UI element...changing the information displayed by the title bar UI element" of claim 47 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 47 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's specification does not provide adequate support for the following limitation: "a title bar UI element to display information **relating to at least one other of the UI elements in memory.**" Applicant's specification discloses "the title bar of a window could contain text **relating to the selected item in a list** and the text in the title bar could change as the list was scrolled through (see paragraph [0066])." Also, "wherein the discarding of at least one of the first subset of UI elements from the

memory **does not discard** the title bar UI element." Applicant's specification discloses "[w]hen the user scrolls up or down the menu, the item(s) no longer on display are discarded and the item(s) now on display are loaded into memory (see paragraph [0042])."

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-12 and 14-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bastawala et al ("Bastawala" US 6973457) in view of Balakrishnan et al ("Balakrishnan" US 6763382).

Regarding claim 1, Bastawala discloses a method of displaying user interface ("UI") elements on a device (see fig 2b where "Display Range" 210 is shown), the method comprising the steps of:

determining a size of user interface UI elements that fit within a display on the device (see col. 3, lines 16-20 "in systems configured to conserve network bandwidth by allowing request and transmission of only enough information to be sent that can fit onto a client's display device, page, window or screen at a particular time");

determining a plurality of UI elements that may be selected for displaying on the display (see col. 4, lines 3-12 "Additional rows of data are fetched from sever 102 only if the appropriate rows of data from the result set are not presently cached in client cache 104");

selecting a first subset of UI elements from the plurality of UI elements, wherein the first subset of UI elements have the size to fit within the display (see col. 4, lines 13-24 "the present invention can be utilized to enable scrollable cursors by caching only a portion of the result set in local memory at client cache 104, with the rest of the result cache remotely cached at the server"); and

displaying in a menu on the display, simultaneously with loading into memory, the first subset of UI elements (see col. 2, lines 59-61 "As rows are sent from the server 102 to client 100, rows from the result set are also locally cached in client cache 104." Also see col. 8, line 42 to col. 9, line 6 "the client cache 704a does not presently contain the rows from the result set (rows 15-17) that would allow this scrolling operation to proceed. Hence, these rows 708 will be retrieved from the server. Once these rows are retrieved, they can be displayed in display window 702b"); and

when the menu is scrolled up or down based on a user input such that at least one of the first subset of UI elements is not displayed and at least one of a second of UI elements from the plurality of UI elements is displayed (see col. 8, line 42 to col. 9, line 6 "the client cache 704a does not presently contain the rows from the result set (rows 15-17) that would allow this scrolling operation to proceed. Hence, these rows 708 will

be retrieved from the server. Once these rows are retrieved, they can be displayed in display window 702b”).

Bastawala does not expressly disclose loading only the first subset of UI elements into a memory on the device;

discarding the at least one of the first subset of UI elements from the memory;  
and

loading the at least one of the second subset of UI elements into the memory.

However, Balakrishnan discloses when user scrolls up or down, the earlier data loaded into memory are removed and new data is downloaded from a remote server (see col. 7, line 63 to col. 8, line 5). It would have been obvious to an artisan at the time of the invention to modify Bastawala's user interface by including Balakrishnan's teachings in an effort to eliminate waste of network bandwidth and conserve memory.

Regarding claim 3, Bastawala discloses receiving the user input activating a user input means causing the menu to be scrolled (see col. 3, lines 9-10 “According to an embodiment, a scrollable cursor provides support for forward and backward access into a result set”).

Regarding claim 4, Balakrishnan discloses that a mark-up language component is provided that defines the location of the plurality of UI elements (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 5, Balakrishnan discloses the mark-up language component further defines the displaying of the selected subset of UI elements in a list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 6, Balakrishnan discloses a template is associated with the mark-up language component, the template determining an appearance of a selected subset of UI elements displayed in the list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 7, Balakrishnan discloses that a mark-up language component is provided that defines the location of the file and the file comprises one or more data resources for displaying (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 8, Balakrishnan discloses the mark-up language component further defines the displaying of a selected subset of UI elements in a list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 9, Balakrishnan discloses a template is associated with the mark-up language component, the template determining an appearance of a selected subset of UI elements displayed in the list (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Regarding claim 10, Balakrishnan discloses the list of the selected subset of UI elements comprises one or more further lists, each of the one or more further lists being identified by a unique expression (see col. 2, line 53 to col. 3, line 30 where the list is discussed)

Regarding claim 11, Bastawala discloses a data carrier comprising computer executable code for performing the method of any of claims 1 to 9 (see col. 11, line 24 where the computer-usable medium is discussed).

Claims 12 and 14-21 are similar in scope to claims 1 and 3-10 respectively, and are therefore rejected under similar rationale.

Regarding claim 22, Bastawala discloses the device comprises wireless communication means (see col. 11, lines 24-40 where the transmission media is discussed).

Regarding claim 23, Bastawala discloses a device comprising processing means, storage means, a display, user input means, wireless communication means and a user interface, wherein the device is configured to perform the method of any of claims 1 to 10 (see col. 11, lines 24-40).

Claim 24 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Regarding claim 26, Balakrishnan discloses the plurality of UI elements contains images and text strings operable to display a menu, and the first subset of UI elements contains a first image and a first text string chosen from the plurality of UI elements, the first image and the first text string operable for displaying the menu entry on the user interface (see col. 2, line 53 to col. 3, line 30 where the markup language is discussed).

Claims 27-29 are similar in scope to claim 26 and are therefore rejected under similar rationale.

Claims 30-37 are similar in scope to claims 3-10, respectively, and are therefore rejected under similar rationale.

Claims 38-45 are similar in scope to claims 3-10, respectively, and are therefore rejected under similar rationale.

**8. Claims 1, 3-12 and 14-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bastawala in view of Balakrishnan in further view of Terrasson (US 6061576).**

Regarding claim 46, the modified Bastawala discloses loading the memory with UI elements; displaying the UI elements; detecting the first user input occurring after displaying the menu items to scroll the menu up or down and, based on said user input, discarding at least one UI element from the memory loading into the memory at least one UI element; and displaying as a scrolled display the UI elements in the memory (see claim 1 above).

The modified Bastawal does not expressly disclose detecting an initialization event and, in response, initializing at least one given default UI element; and

displaying on the display a starting menu having an icon representing the at least one default UI element. However, Terrasson discloses displaying a default menu upon user action (see claim 1). It would have been obvious to an artisan at the time of the invention to include Terrasson's teachings in the modified Bastawala's user interface in an effort to provide a more user-friendly interface that presents a most frequently used menu item upon user initialization.

**9. Claims 1, 3-12 and 14-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bastawala in view of Balakrishnan in further view of Wilcox et al ("Wilcox" US 6678891).**



Regarding claim 47, the modified Bastawala does not expressly disclose wherein at least one of the first subset of UI elements in the memory is a title bar UI element to display information relating to at least one other of the first UI elements in the memory, wherein the discarding of at least one of the first subset of UI elements from the memory does not discard the title bar UI element and, after loading the at least one of the second subset of UI elements into the memory, changing the information displayed by the title bar UI element based on at least one of the discarding and loading.

However, Wilcox discloses at least one of the first subset of UI elements in the memory is a title bar UI element to display information relating to at least one other of the first UI elements in the memory, wherein the title bar is permanent and, changing the information displayed by the title bar UI element based on user scrolling (see fig 8 where category item 112 is shown comprising a list of category item icon nodes 120 and menu items 114). It would have been obvious to an artisan at the time of the invention to include Wilcox's teachings in the modified Bastawala's user interface in an effort to provide a consistent, intuitive interface for accessing information.

### ***Response to Arguments***

10. Applicant's arguments filed 11/12/2010 have been fully considered but they are not persuasive.

Regarding Applicant's arguments concerning Bastawala failing to disclose "determining a size of user interface elements that fit within a display of the device...

selecting a first subset of UI elements from the plurality of UI elements, wherein the first subset of UI elements have the size to fit within the display," the Examiner respectfully disagrees.

Bastawala discloses requesting only enough information that can fit onto a client's display device and requesting additional information scrolling through the data displayed in the display window (see col. 3, lines 16-23). Examiner's interpreting the information that can fit onto the client's display device as the claimed "first subset of UI elements." Regarding the claim limitations above, Examiner further notes that Applicant's claim language does not expressly recite that the determining and the selecting is based on the size of the memory.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR*

*International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Bastawala discloses requesting only enough information that can fit onto a display; while Balakrishnan discloses advantages for retrieving and loading only requested data from a remote server and discarding data from a client device memory.

Examiner further notes that Applicant's claim language does not explicitly recite that all of the first subset of UI elements are discarded from the memory as alleged in the arguments.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is (571)272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RASHAWN TILLERY/  
Examiner, Art Unit 2174